

Committee of the National Capital Planning Commission and shall consist of not less than three members of the Commission designated by the Commission for the purpose. The number of members serving on the Zoning Committee may be varied from time to time.

(d) Recommendations as to platting and subdividing lands; procedure

Any proposed change in or addition to the regulations or general orders regulating the platting and subdividing of lands and grounds in the District of Columbia shall first be submitted to the Commission by the Council of the District of Columbia for report and recommendation prior to adoption by such Council. Should the Council not concur in the recommendations of the Commission, it shall so advise the Commission with its reasons therefor and the Commission shall submit a final report within thirty days. After consideration of this final report, the Council may proceed to take action in accordance with its legal responsibilities and authority. It shall be the duty of the Commission to submit any proposed changes in or amendments to the general orders that the Commission considers appropriate and the Council shall treat the amendments proposed in the same manner as other proposed amendments.

(June 6, 1924, ch. 270, § 8, as added July 19, 1952, ch. 949, § 1, 66 Stat. 790; amended 1967 Reorg. Plan No. 3, § 402(21), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title II, § 203(g), title IV, § 401, Dec. 24, 1973, 87 Stat. 783, 785.)

CODIFICATION

Section is also set out in D.C. Code, § 1-2006.

PRIOR PROVISIONS

Similar provisions relating to the preparation and maintenance of a comprehensive plan for the National Capital and its environs, including zoning regulations, plats, and subdivisions, and for cooperation between the former National Capital Park and Planning Commission and Federal and District Governments were contained in section 71 of this title prior to amendment by act July 19, 1952.

AMENDMENTS

1973—Subsec. (a). Pub. L. 93-198 provided for the making of a report and recommendations as provided in section 5 of the Act of March 1, 1920 (D.C. Code, sec. 5-417), including consistency of proposed amendments of zoning regulations and maps with the comprehensive plan, substituting “comprehensive plan for the National Capital” for “comprehensive plan of the District of Columbia” and deleted provision for Commission submission to the Zoning Commission of proposed amendments or general revisions to the zoning regulations or the zoning map for the District.

TRANSFER OF FUNCTIONS

“Council of the District of Columbia” substituted in subsec. (d) for “District of Columbia Council” pursuant to section 401 of Pub. L. 93-198. District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1-211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93-198, classified to section 1-221 of the District of Columbia Code.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the

District of Columbia Council to reflect D.C. Code § 1-613 and section 402(21) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to the making and publishing of general orders regulating the platting and subdividing of lands and grounds to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71a, 71i, 72, 72a, 136 of this title.

§ 71h. Transfer of functions to Commission

All other functions, powers, and duties of the National Capital Park and Planning Commission, including those formerly vested in the Highway Commission established by the Act of March 2, 1893 (27 Stat. 532) [D.C. Code, § 7-107 et seq.], and those formerly vested in the National Capital Park Commission by the Act of June 6, 1924 (43 Stat. 463) together with the personnel, records, property, and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds, including trust funds, of the National Capital Park and Planning Commission, are transferred to the Commission.

(June 6, 1924, ch. 270, § 9, as added July 19, 1952, ch. 949, § 1, 66 Stat. 790.)

REFERENCES IN TEXT

Act of March 2, 1893 (27 Stat. 532), referred to in text, is act Mar. 2, 1893, ch. 197, 27 Stat. 532, as amended, which appears in sections 7-107 to 7-111 of Title 7, Highways, Streets, Bridges, of the District of Columbia Code.

The functions, powers, and duties formerly vested in the National Capital Park Commission by the Act of June 6, 1924 (43 Stat. 463), referred to in text, are the functions, powers, and duties vested by act June 6, 1924, ch. 270, §§ 1 to 4, 43 Stat. 463, which enacted sections 71, 72, 73, and 74 of this title prior to the amendment of such act by act July 19, 1952, ch. 949, § 1, 66 Stat. 781.

The Commission, referred to in text, is the National Capital Planning Commission created by section 71a of this title.

CODIFICATION

Section is also set out in D.C. Code, § 1-2007.

TRANSFER OF FUNCTIONS

Functions of National Capital Park Commission and Highway Commission of District of Columbia transferred to National Capital Park and Planning Commission by act Apr. 30, 1926, ch. 198, 44 Stat. 376.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71i, 72, 72a of this title.

§ 71i. Authorization of appropriations to carry out sections 71 to 71i

There are authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated and in any appropriate appropriation Act other than the annual District of Columbia Appropriation Act, such sums as may be necessary to carry out the provisions of sections 71 to 71i of this title, any

existing provisions of law to the contrary notwithstanding.

(June 6, 1924, ch. 270, § 10, as added July 19, 1952, ch. 949, § 1, 66 Stat. 791.)

CODIFICATION

Section is also set out in D.C. Code, § 1-2008.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 72, 72a of this title.

§ 72. Acquisition of land by Commission

Said Commission or a majority thereof is authorized and directed to acquire such lands as in its judgment shall be necessary and desirable in the District of Columbia and adjacent areas in Maryland and Virginia, within the limits of the appropriations made for such purposes, for suitable development of the National Capital park, parkway, and playground system. Said Commission is authorized to acquire such lands by purchase when they can be acquired at prices reasonable in the judgment of said Commission, otherwise by condemnation proceedings, such proceedings to acquire lands within the District of Columbia to be in accordance with the provisions of the Act of Congress approved August 30, 1890, providing a site for the Government Printing Office (United States Statutes at Large, volume 26, chapter 837), the Chief of Engineers of the Army being, for the purposes of sections 71 to 71i, 72, 73 and 74 of this title, clothed with all the power vested by the said act of August 30, 1890, in the board created. Said Commission is authorized to acquire such lands, located in Maryland or Virginia, either by purchase or condemnation proceedings, by such arrangements as to acquisition and payment for the lands as it shall determine upon by agreement with the proper officials of the States of Maryland and Virginia. In the selection of lands to be acquired the advice of the Commission of Fine Arts shall be requested. The designation of all lands to be acquired by condemnation, all contracts for purchase of lands, and all agreements between said Commission and the officials of the States of Maryland and Virginia shall be subject to the approval of the President of the United States.

(June 6, 1924, ch. 270, § 11, formerly § 2, 43 Stat. 463; renumbered § 11, July 19, 1952, ch. 949, § 2, 66 Stat. 791.)

REFERENCES IN TEXT

The Act of Congress approved August 30, 1890, providing a site for the Government Printing Office (United States Statutes at Large, volume 26, chapter 837), referred to in text, is act Aug. 30, 1890, ch. 837, 26 Stat. 412, which enacted section 120 of this title, section 861a of former Title 10, Army and Air Force, section 446 of Title 16, Conservation, sections 497, 601 and 651 of former Title 31, Money and Finance, section 887 of Title 33, Navigation and Navigable Waters, and sections 212, 662 and 945 of Title 43, Public Lands, and amended section 321 of Title 43. Former Titles 10 and 31 were revised generally by act Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 1, and Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 877, respectively. For disposition of sections of former titles, see Table I—Revised Titles. For complete classification of this Act to the Code, see Tables.

Section 2 of act August 30, 1890, referred to in text, created a board consisting of the Secretary of the

Treasury, the Public Printer, and the Architect of the Capitol to acquire land for the accommodation of the Government Printing Office and the construction of needed storage and distributing warehouses in connection therewith. Section 3 of such act authorized the board to acquire the land by negotiation at a price not above a fair relative value as to other lands which had been sold in the immediate vicinity; or if the board were unable to purchase said land by agreement with any one or more of the respective owners at a reasonable price within sixty days after the passage of the act, it was authorized to "make application to the Supreme Court of the District of Columbia [now the United States District Court for the District of Columbia], at any general or special term thereof, by petition for the condemnation of such land not so purchased, and for the ascertainment of its value. Such petition shall contain a particular description of the property not so purchased, and selected for the purpose aforesaid, with the name of the owner or owners thereof and their residences, so far as the same may be ascertained, together with a plan of the land proposed to be taken; and thereupon the said court is authorized and required to cite all such owners and all other persons interested to appear in said court at a time to be fixed by such court, on reasonable notice, to answer the said petition; and if it shall appear to the court that there are any owners or other persons interested who are under disability the court shall give public notice of the time at which the said court will proceed with the matter of condemnation; and at such time if it shall appear that there are any persons under disability either who have appeared or who have not appeared, the court shall appoint guardians ad litem for each such persons, and the court shall thereupon proceed to appoint three capable and disinterested commissioners to appraise the value of the respective interests of all persons concerned in such lands, under such regulations as to notice and hearing as to the court shall seem meet. Such commissioners shall thereupon, after being duly sworn for the proper performance of their duties, examine the premises and hear the persons in interest who may appear before them, and return their appraisal of the value of the interests of all persons, respectively, in such land; and in case any of the persons entitled according to the judgment of the court are under disability, or can not be found, or neglect to receive payment, the money to be paid to any of them shall be deposited in the Treasury to their credit, unless there shall be some person lawfully authorized to receive the same under the direction of the court, and when such payments are so made, or the amounts belonging to persons to whom payment shall not be made are so deposited, the said lands shall be deemed to be condemned and taken by the United States for the public use." These provisions were never executed and the appropriation therefor was suspended by act Mar. 3, 1891, ch. 542, 26 Stat. 989.

However, the provisions of section 3 of the act of Aug. 30, 1890, referred to and partly quoted above, with respect to condemnation proceeding, were rendered general and permanent by a provision of the end of that section which read as follows:

"And hereafter, in all cases of the taking of property in the District of Columbia for public use, whether herein, heretofore, or hereafter authorized, the foregoing provisions, as it respects the application by the proper officer to the supreme court of the District of Columbia [see above for change in name] and the proceedings therein shall be as in the foregoing provisions declared". In view of this provision, section 3, reworded at the beginning thereof to incorporate it, was classified to former section 120 of this title. Former section 120 was superseded in effect by act Mar. 1, 1929, ch. 416, 45 Stat. 1415, which was formerly classified to section 361 et seq. of this title. See chapter 13 (§ 16-1301 et seq.) of Title 16, Particular Actions, Proceedings and Matters, of the District of Columbia Code.

CODIFICATION

Section is also set out in D.C. Code, § 1-2009.